

**BEFORE  
THE STATE OF SOUTH CAROLINA  
PUBLIC SERVICE COMMISSION**

Application of )  
Neutral Tandem-South Carolina, LLC )  
For A Certificate of Public Convenience )  
and Necessity to Provide Local Exchange )  
and Interexchange Telecommunication Services )  
in South Carolina and For Flexible and )  
Alternative Regulation )

SC PUBLIC SERVICE  
COMMISSION

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**MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING EXHIBITS D and E AS TRADE SECRETS**

**Introduction**

Neutral Tandem-South Carolina, LLC (hereinafter "Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive financial statements attached as ***Exhibits D and E***, filed as Trade Secret to the Application for Authority for Neutral Tandem-South Carolina, LLC, to Provide Local Exchange and Interexchange Telecommunications Services in the State of South Carolina and for Flexible and Alternative Regulation ("Application"). Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

***This document is an exact duplicate, with the exception of the form of the signature, of the e-filed copy submitted to the Commission in accordance with its electronic filing instructions.***

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

Neutral Tandem-South Carolina, LLC  
One South Wacker Drive, Suite 200  
Chicago, IL 60606  
Telephone: 312.346.3276

2. Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire  
Robinson, McFadden & Moore, P.C.  
P.O. Box 944  
Columbia, SC 29202  
Telephone: (803) 779-8900  
Facsimile: (803) 252-0724  
[bshealy@robinsonlaw.com](mailto:bshealy@robinsonlaw.com)

with a copy to:

Patrick D. Crocker  
Early, Lennon, Crocker & Bartosiewicz, P.L.C.  
900 Comerica Building  
Kalamazoo, Michigan 49007-4752  
Telephone: (269) 381-8844  
Facsimile: (269) 381-8822  
[pcrocker@earlylennon.com](mailto:pcrocker@earlylennon.com)

**I. Description of Confidential Information.**

3. The Application requires Neutral Tandem-South Carolina, LLC to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements and the financial statements of its parent company. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct,

immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

## **II. Grounds for Claim of Confidentiality.**

4. Neutral Tandem-South Carolina, LLC and Neutral Tandem Inc. are presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as ***Exhibits D and E*** to the Application are not readily available to persons external to Neutral Tandem-South Carolina, LLC or Neutral Tandem Inc.

5. Because the projected financial statements submitted by Neutral Tandem-South Carolina, LLC and Neutral Tandem Inc. in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, Neutral Tandem-South Carolina, LLC seeks to protect such material from public disclosure. Neutral Tandem-South Carolina, LLC and Neutral Tandem Inc. derive independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Companies' financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. S.C. Code Section 39-8-20(5). Given this fact, the disclosure of this information could provide existing and potential competitors, including carriers in South Carolina, as well as in other states in which Neutral Tandem-South Carolina, LLC or an affiliated company provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. Neutral Tandem-South Carolina, LLC clarifies herein that its request for protection applies only to the documents attached as ***Exhibits D and E*** to the Application. Neutral Tandem-South Carolina, LLC is not seeking protection of any type for those reports Neutral Tandem-South Carolina, LLC is required to file with the Office of Regulatory Staff (“ORS”) should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### **CONCLUSION**

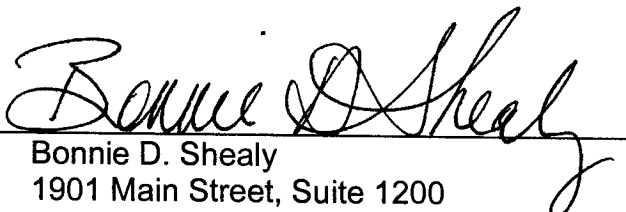
7. The financial information included in support of Neutral Tandem-South Carolina, LLC’s Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to Neutral Tandem-South Carolina, LLC and Neutral Tandem Inc. as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Neutral Tandem-South Carolina, LLC, Neutral Tandem Inc., or affiliated companies to make this information available to the public. For all these reasons, the projected financial statements attached as ***Exhibits D and E*** to the Application should be protected from public disclosure by the Commission.

WHEREFORE, Neutral Tandem-South Carolina, LLC respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited and unaudited financial statements attached as ***Exhibit D and E*** to the Application for Authority for Neutral Tandem-South Carolina, LLC to Provide Local Exchange and Interexchange Telecommunications Services in the State of South Carolina and filed *under seal* as Confidential in this proceeding.

Dated this 23<sup>rd</sup> day of October, 2006.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By 

Bonnie D. Shealy  
1901 Main Street, Suite 1200  
Post Office Box 944  
Columbia, SC 29202  
Telephone: (803) 779-8900  
[bshealy@robinsonlaw.com](mailto:bshealy@robinsonlaw.com)

Attorneys for Neutral Tandem-South Carolina, LLC